

TITLE 431 - STATE RECORDS BOARD

Chapter 2 - PRACTICE AND PROCEDURE OF THE STATE RECORDS BOARD

001 Petitions

001.01 All petitions directed to the Board shall be sent to and received by the Administrator as Chairman of the Board.

001.02 All petitions directed to the Board and received by the Administrator shall be referred to the Board at its next regular or special meeting, which shall be called within thirty days after receipt of the petition by the Administrator.

001.03 All petitions directed to the Board shall state the venue, the specific subject matter, and the names of the petitioner and respondent; shall clearly and concisely set forth all material facts in the matter, plus a statement of the type of relief or type of determination which is sought by the petitioner; and shall be signed by the petitioner.

002 Contested Cases

002.01 The State Archivist may petition the Board for the right to transfer to the State Archives material of historical significance which is in jeopardy of destruction or deterioration. The State Archivist shall be the petitioner and the custodian of the historical material shall be the respondent.

003 Hearing

003.01 Except in contested cases, if the Board determines that a hearing is not necessary to answer a petition, that petition may be dismissed or answered without a formal hearing.

003.02 If the Board determines that a hearing is necessary, notice of such hearing shall be made by serving upon the respondent a copy of the petition and the date and place of hearing, and upon the petitioner the date and place of the hearing.

003.03 Evidence which is admissible in civil actions under the Revised Statutes of Nebraska is admissible before the Board. The Board is not bound to follow the technical rules of evidence, unless request is made pursuant to Section 84-914, R.R.S. 1943, but the record shall be supported by evidence which possesses probative value commonly accepted by reasonable men in the conduct of their affairs.

TITLE 431

003.04 Opening statements and oral arguments may be permitted by the Board in its discretion.

004 Declaratory Ruling

004.01 A petition for a declaratory ruling may be filed by any interested person with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by the Board.

004.02 The interested person shall be the petitioner and the Board shall be the respondent.

004.03 Within thirty days after considering the petition, the Board shall issue any ruling deemed necessary and proper, or shall state that it will not issue a ruling.

005 Promulgation, Amendment or Repeal of Rules

005.01 A petition for the promulgation, amendment or repeal of any rule subject to the authority or jurisdiction of the Board may be filed by an interested person.

005.02 The interested person shall be the petitioner and the Board shall be the respondent.

005.03 Within thirty days after considering the petition, the Board shall take any action deemed necessary and proper.